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UNCLAS SECTION 01 OF 06 JAKARTA 000105

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SUBJECT: 2008 CHILD LABOR UPDATE FOR INDONESIA

REF: A)08 STATE 127448  
B)08 JAKARTA 1097 AND PREVIOUS

¶1. (U) SUMMARY: The GOI has a strong legal framework in place in order to prevent the Worst Form of Child Labor (WFCL). Implementation of safeguards is lacking but improving, however. The number of child workers has decreased following the ratification of the 2007 Child Protection Act. Matters that need to be addressed include child exploitation in domestic servitude, forced prostitution through debt bondage, and WFCL practices in cottage industries and farming. There are an estimated 2.1 million child laborers in Indonesia, according to official figures, but civil society suspects the numbers are higher. END SUMMARY.

#### LAWS AND REGULATIONS

¶2. (U) Indonesia is making progress related to child labor. The legal framework relating to working children has changed significantly in recent years and a number of important pieces of legislation have either been enacted or are presently in the pipeline. Taken together this new body of law represents an important step forward. The reforms in part constitute part of a wider process underway in Indonesia in which the GOI has indicated its commitment to an approach to labor policy consistent with International Labor Organization (ILO) standards. The major challenge now facing the GOI is to effectively socialize and enforce the new legal framework.

¶3. (U) In 1989, Indonesia adopted the UN Convention on the Rights of the Child. In March 2000, Indonesia ratified ILO Convention No. 182 (Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor). Indonesia has also ratified the main ILO Conventions relating to child labor. ILO Convention No. 138 (Concerning Minimum Age for Admission to Employment) was ratified in June 1999.

¶4. (U) The minimum age for work is 15. The law contains an exception for employing children aged 13-15 to perform light work that does not disrupt their physical, mental, and social development. A set of requirements is outlined for employment of children in this age range, including a maximum of 3 hours of work per day, parental permission, and no disruption of schooling.

¶5. (U) Indonesia has ratified ILO Convention 182 and Law No. 13 of 2003 reiterates the convention's articles on hazardous labor while Minister of Manpower Decree No. 235 of 2003 defines types of work

that are hazardous to children. Under Law No. 235 of 2003, employing and involving children under 18 in the worst forms of child labor (WFCL) or economic exploitation are prohibited under the law; failure to comply can result in criminal sanctions of 2 to 5 years of imprisonment.

¶16. (U) The law defines WFCL as slavery; use of children in prostitution, pornography and gambling; use of children for the production and trade of alcohol, narcotics, and addictive substances; and all types of work harmful to the health, safety and morals of children. The law identifies a list of such harmful activities and provides detailed descriptions and examples of these activities. These include jobs requiring children to work with machines; jobs where physical, chemical, or biological hazards are present; jobs with inherent hazards such as construction, offshore fishing, lifting heavy loads etc; and jobs that harm the morals of the children including working in bars, massage parlors, discotheques, or promoting alcohol or drugs to arouse sexual desire. Persons who expose children to such hazardous activities are liable to terms of up to 5 years of imprisonment or a fine.

¶17. (U) An Indonesian decree calls for programs to ban and abolish WFCL and improve family income, as well as specific programs for non-formal education and returning children to school by providing scholarships. Additional specific legal sanctions are laid out against offenses of commercial sexual exploitation, child trafficking, involving children in the production or distribution of alcohol or narcotics, and involving children in armed conflict. Anyone exercising legal custody of a child under 12 years for the purpose of providing that child to another person, knowing that the child will be used for the purposes of begging, harmful work, or

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work that affects the child's health, faces up to four years imprisonment. The law also prohibits sexual intercourse outside of marriage with a female recognized to be less than 15 years, engaging in an obscene act with a person under 15 years, and forcing or allowing sexual abuse of a child, with maximum penalties ranging from 7 to 12 years of imprisonment.

¶18. (U) The minimum age for recruitment or enlistment into the armed forces is 18 years. Indonesian law also protects children in emergencies, including natural disasters.

#### FIGHTING TRAFFICKING

¶19. (U) Indonesia has ratified almost all major conventions relating to trafficking. In addition to those referred to above, Indonesia has ratified ILO Convention 29 on Forced Labor, the UN Convention on the Elimination of Discrimination against Women, and has signed the optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Indonesia has also signed the UN Convention against Transnational Organized Crime and its supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

¶10. (U) In 2007, the GOI passed a comprehensive anti-trafficking law. The law meets international standards re preventing and outlawing trafficking, and includes a comprehensive legal mandate for rescue and rehabilitation of victims. The law outlaws all forms of trafficking including debt bondage and sexual exploitation. It also provides stiff penalties for complicity in trafficking by officials and labor agents, which include harsh prison sentences. Penalties for trafficking of a child, under 18 years, range from 3 to 15 years in prison, with penalties for officials higher by one-third, and fines of between \$12,000 and \$60,000. The GOI has trained thousands of law enforcement officials on fighting trafficking. The numbers of special anti-trafficking police and prosecutors has increased significantly. Police targeted operations trafficking children domestically and internationally in 2008, breaking up several large syndicates, rescuing hundreds of children and arresting traffickers. Authorities convicted 27 persons for trafficking of children in 2007, along with steep increases of arrests, prosecution and conviction of traffickers overall.

#### ENFORCEMENT

¶11. (U) More progress is needed re enforcement. As of the end of 2008, there were 24 Provincial Action Committees and 92 District/Municipality Action Committees for the elimination of WFCL. To further encourage provincial and district government to establish the committees, the Ministry of Home Affairs has issued a Ministerial Decree on the establishment of District Action Committees, District Plan of Action, and community empowerment in combating worst forms of child labor.

¶12. (U) There are currently 1,969 labor inspectors across Indonesia with responsibility for child labor protection. Inspectors withdraw the children from work and return them to school. Parents are given business training and funds to increase self-reliance. In 2008, the ILO trained labor inspectors from seven provinces, funded by the Manpower Ministry.

#### RECENT LOCAL ADVANCES TO COMBAT WFCL

¶13. (U) New local regulations include:

--The Central Java Government launched the Provincial Action Plan on Elimination of the Worst Forms of Child Labor through Governor's Regulation No. 23/2008 in March 2008. Central Java also endorsed a provincial regulation on Eliminating Child Labor in 2007.

--Sukabumi District, West Java, endorsed in January 2008 a district regulation on prevention of trafficking in women and children.

--The government of Tanjung Balai District in North Sumatra endorsed a District Regulation on the Elimination of WFCL in August 2008.

--Several districts in North Sumatra in late 2007 established District Action Committees for combating WFCL.

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--The East Java Manpower Department held an anti-child labor campaign among companies allegedly employing child workers, including outreach to affected families.

--Local governments in East Java, in cooperation with ILO and NGOs, conducted vocational training and workshops to prevent child labor for underage workers.

--The Surabaya Social Department rescued domestic workers under 15 years old, placing them in shelters and providing vocational training, in cooperation with Save the Children which trained social workers.

--East Java Manpower Department conducted an anti-child labor campaign in 2008. Working with a local NGO, the joint effort worked with street children and child labor to provide vocational training and legal protection for underage workers and street children. Children were also returned to their home villages.

#### SOCIAL PROGRAMS

¶14. (U) Indonesia's Constitution, as amended in 2002, stipulates that the Government dedicate 20 percent of the national budget for education. In 2009, the education budget was set at about 20 percent including teacher salaries.

¶15. (U) The GOI in 2008 implemented the "Family Hope Program," a Conditional Cash Transfer (CTF) to the poor. The program has increased school participation at elementary and secondary levels (ages 6-15), particularly out-of-school children, including those in child labor. CTF includes operates in 13 provinces (West Sumatra, Jakarta, West Java, East Java, Gorontalo, North Sulawesi, East Nusa Tenggara, Aceh, North Sumatra, Banten, Yogyakarta, West Nusa Tenggara and South Kalimantan). Reaching 500,000 impoverished households to date, the goal is to reach 6.5 million households by ¶2015. The program requires that households send their children aged 6 to 15 years back to school. Social workers verify children's attendance. In collaboration with stakeholders, the GOI provides services such as remedial education and counseling to keep children

in school.

¶16. (U) In August 2008, the Ministry of Manpower and Transmigration launched a program to support CTF, targeting 5,000 child laborers to be taken out of the workforce and referring them to education services, funded at USD4.5 million.

¶17. (U) The GOI built nearly 1,260 new schools in 2008 and 11,069 new classrooms, accommodating 963,891 children aged 13-15 who did not have access to junior high school.

¶18. (U) To keep children in school, the government continued the Open Junior High School program for disadvantaged primary school graduates unable to attend conventional junior high schools. In 2008, the government had established 2,576 Open Junior High Schools across the country, with higher concentrations in areas with large numbers of child workers to address the issue of child workers. The schools feature flexible study time and location, agreed to by tutors, students and parents. This enabled child workers to study while employed. The number of students attending such schools in 2008 totaled 306,498, with 16,684 teachers and 30,776 tutors in 10,368 learning centers.

¶19. (U) A major program to assist students from poor families to stay in school is the School Operational Assistance (BOS) program, introduced in 2005. The BOS program strives to improve access to quality education for all children of aged 7-15 by strengthening school based management and community participation as well as by reducing school expenses.

¶20. (U) The West Sumbawa regency administration has carried out a free education program since 2006 exempting all students from school fees up to the university level

#### COMPREHENSIVE POLICY

¶21. (U) The 20-year National Action Plan for the Elimination of

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Worst Forms of Child Labor completed its first 5-year phase in 2007.

The first phase, established by Presidential Decree No. 59/2002, focused on mapping child labor problems, raising awareness, and eliminating five priority worst forms of child labor: offshore fishing and diving; trafficking for purposes of prostitution; mining; footwear production; and drug trafficking. These were conducted in Jakarta, West Java, East Java, North Sumatra and East Kalimantan.

¶22. (U) The Manpower Ministry chairs a National Action Committee for the Elimination of the Worst Forms of Child Labor, which coordinates child labor elimination efforts throughout the country and produces annual reports on the implementation of the National Plan of Action. According to the Manpower Ministry, during the first phase of the project 2,154 children were taken out of the worst forms of labor and 27,078 others were prevented from going to work.

¶23. (U) In July 2008, the Indonesian government launched the second phase of a five-year project to support the National Action Plan on the Elimination of the Worst Forms of Child Labor. Under this project, the government hopes to remove as many as 22,000 children from hard labor and provide assistance to 2,000 poor families by ¶2011. The first part of the strategy will focus on continuing to promote national and local policies to tackle child labor. The second part of the strategy will involve direct, targeted interventions in four sectors: child domestic labor in Jakarta, West Java, East Java and Lampung; children in plantations in East Java, Lampung and North Sumatra; trafficking of children for sexual exploitation in Jakarta, West Java, East Java, and North Sumatra; and street children at risk of trafficking and drug trafficking in Jakarta. The project will remove children from WFCL and prevent others from entering such work. Children will be assisted through educational and other services, including linkage with the Government's Conditional Cash Transfer program. Many families and communities will benefit from socio-economic programs supported by the project.

¶24. (U) The National Plan of Action of Human Rights in Indonesia (2004-2009) contains a specific objective on protecting the rights of the child, with a series of activities aimed at combating trafficking and protecting against sexual exploitation, pornography, and worst forms of child labor. The NPA to Combat the Trafficking of Women and Children and the NPA Combat Commercial Sexual Exploitation are in place to help reduce the trafficking and commercial sexual exploitation of children. The NPA to Combat Trafficking expired at the end of 2007 and a new one is being formulated.

#### PROBLEMS AND PROGRESS

¶25. (U) The majority of child work in Indonesia occurs in rural areas. Children work in agriculture primarily on palm oil, tobacco, farming, rubber, tea, and marijuana plantations. Children also work in fisheries, construction, manufacturing (such as cottage factory footwear production, textiles, cottage factory cigarette production, and food processing), logging, and small-scale mining sector. Other children work in the informal sector selling newspapers, shining shoes, street vending, scavenging, and working beside their parents in family businesses or cottage industries. There are also large numbers of street children. Children, primarily females, also are exploited in domestic service and are often subject to forced labor, as well as prostitution. There were 2.1 million child workers in 2007, according to the National Statistical Bureau, although the National Child Protection Commission believes that this figure understates the magnitude of the problem. UNICEF estimated the number at 3 million in 2005.

¶26. (U) Ongoing WFCL problems reported in 2008 included:

--In Ciomas Village, West Java, a cottage shoe industry encompassing 20 villages manufactures sandals in households. Children from age 14 regularly work 16-hour days for low pay, using toxic glue and sitting on the floor. ILO has worked with Manpower and other agencies to address this problem.

--Children in a North Sumatra seaport town, mostly aged 14-17, and

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some under age 10, sort and clean fresh fish working long hours for low pay.

--Children age 12-17 work in furniture and woodcarving cottage industries in one district of Central Java, working long hours for low pay under unhealthy and unsafe work conditions.

--Children in Malang, East Java, work in informal sector small scale industries (under 20 employees) such as cigarette, textile, and shoe industries. Several larger companies also reportedly employ child labor. Boys mostly work in construction and girls work in cottage cigarette manufacturing.

--In Tulungagung, East Java, children work in the marble industry.

--In Banyuwangi, East Java, hundreds of children age 15-17 work on plantations harvesting chilies, tomatoes, and other vegetables for sale to an export company.

#### TRAFFICKING IN CHILDREN AND DEBT BONDAGE

¶27. (U) Indonesia is primarily a source, and to a lesser extent destination, country for individuals trafficked internationally and internally, including children. Children, primarily girls, are trafficked internationally from Indonesia primarily to Malaysia, Saudi Arabia, and a number of other countries in the Middle East and Asia, as well as to Europe and the U.S., according to 2007 NGO and official findings. Trafficking of young girls from one urban area to another across the archipelago by syndicates is a common practice and aided and abetted by officials. Children also are exploited in the production of pornography. Girls also are trafficked into Indonesia, mainly from China and Eastern Europe. Girls are primarily trafficked both internationally and domestically for commercial sexual exploitation, domestic work and in restaurants and



hotels, whereas boys are trafficked to work in construction and on plantations.

¶28. (U) In 2008, an NGO Indonesian researcher went undercover to a jungle lumber camp in West Kalimantan, witnessing girls age 13-17 trafficked into a lumber camp brothel. Jakarta NGO Child Care accused police and military of complicity in the trafficking based on this investigation. Families rescued some of the children while most were moved to another location by traffickers.

¶29. (U) Children are trafficked to work in organized begging rings. Children also are known to be involved in the production, trafficking, and/or sale of drugs, both manufactured drugs and marijuana, according to reliable NGO studies.

#### CHILD LABOR INSPECTIONS

¶30. (U) Ministry of Manpower authorities at the provincial and district levels enforce child labor laws. Manpower has demonstrated strong political will to protect children from WFCL. However, Indonesia's Child Protection law is oftentimes not enforced; for example, there have been no documented cases of prosecution for exploitation of child domestic workers. Labor inspectors' involvement in child labor issues is limited. Inspectors work with inadequate human and financial resources. As they cannot inspect all workplaces, they give priority to large enterprises and consequently leave out the unregulated informal sector where most child laborers are found. There also are indications that decentralization has had a negative impact on the overall effectiveness of the labor inspectorate. However, Parliament ratified ILO Convention 81 in 2007 on Labor Inspection. This Convention includes provisions on the need for inspection services to cover children and young workers which, when implemented, could improve enforcement of child work protection laws.

#### NEEDED POLICY REFORMS

¶31. (U) According to the Child Protection Commission, a comprehensive national enforcement policy is needed, including clear policy instructions on labor inspection and child labor, which would include:

--Establishing priorities for the most hazardous or abusive

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situations;

--Defining clear objectives for interventions, including elimination of illegal employment of children; and,

--Preventive measures to improve the conditions of children who are legally employed and to extend intervention to all types of workplaces.

¶32. (U) Sources for this report include: Ministry of Education, Ministry for Women's Empowerment, Ministry of Manpower, UNICEF, ILO, IOM, Save the Children, American Center for International Labor Solidarity, International Catholic Migration Commission, National Child Protection Commission, local NGOs, and USAID.

HUME